GOVERNMENT OF MYSORE.

NOTIFICATION.

No. L. 8030—C M. 57-49-9, dated the 28th January 1950.

In exercise of the powers conferred by sub-section (1) of Section 68 of the City of Bangalore Municipal Corporation Act, 1949, (LXIX of 1949), the Government of Mysore are pleased to make the following rules regulating the procedure with regard to the election of the Divisional Councillors of the Corporation of Bangalore and of the Councillors to fill the seats specially reserved for labour.

RULES.

Election of Divisional Councillors.

1 (*1*) Not less than one month before the date fixed for an election, the Commissioner, Corporation of Bangalore, shall forward for the approval of the Government a notice thereof stating—

(*a*) the number of persons to be elected ;

(*b*) the divisions for which they are to be elected ;

(*c*) the number of seats in each division for which elections are to be held, and if any seat is reserved, for whom it is reserved ;

(*d*) the dates on which, the places at which and hours between which, nomination papers should be presented, an interval of at least twenty days being allowed between the date fixed for election and the earliest date for presentation of nomination papers ;

(*e*) the person by whom the nomination papers will be received ;

(*f*) the dates on which the nomination papers will be taken up for scrutiny ;

(*g*) the day on which, and the place or places where, the votes of the electors will be taken should there be a poll ; and the hours during which the poll will be open, not being less than ten hours between 7 A.M. and 6 P.M. and

(*h*) the day on which, and the place and hour at which, the Commissioner will commence the counting of the votes.

(*2*) The Commissioner shall cause the notice as approved by the Government to be published in the *Mysore Gazette* and in two or more of the local daily newspapers and copies thereof shall be affixed in not less than three conspicuous places in each division for which the election is to be held.

Nomination of Candidates.

2. (*1*) The nomination of every candidate shall be made by means of a nomination paper in Form I, which shall, on application, be supplied free of cost by the Commissioner to any elector whose names is on the electoral roll for the division.

(*2*) Every nomination paper shall be signed by two such electors as proposer and seconder and the candidate shall sign a declaration on it expressing his willingness to stand for election.

(*3*) The same elector may sign as many nomination papers as there are vacancies to be filled but no more. Each candidate shall be nominated by a separate nomination paper.

(*4*) Every nomination paper shall be presented by the candidate in person or by his proposer and seconder together on any of the dates at the place and during the hours appointed, to the Commissioner or to such other persons as may be authorised by him in this behalf. The Commissioner or such other authorised person shall forthwith number the nomination papers serially in the order in which they are presented and enter on each nomination paper the time at which it is presented.

(*5*) Where a person has signed whether as proposer or seconder a larger number of nomination papers than there are vacancies to be filled, those of the papers so signed which have been first received upto the number of vacancies to be filled, shall be deemed to be valid.

(*6*) The rejection of a nomination paper of any candidate on the ground of any irregularity in respect

thereof shall not effect the validity of the nomination of the candidate, if the candidate has been duly nominated by means of another nomination in respect of which no irregularity has been committed.

(7) No nomination paper shall be received after the appointed time on the last of the dates appointed for the presentation of nomination papers.

3. On the presentation of a nomination paper, the Commissioner or other authorised person referred to in rule 2(*4*) may require the person or persons presenting the same to produce a copy of the electoral roll on which the candidate and his proposer and seconder are registered or of the necessary entries therein and shall satisfy himself that the same and number of candidate and his proposer and seconder as entered in the nomination paper are the same as those entered in the electoral roll. Where necessary, he shall direct that the former be amended so as to be in accordance with the latter.

The Commissioner may interpret any entry in the electoral roll as to overlook merely clerical or printing errors, but he shall record the interpretation adopted by him together with the reasons therefor.

4(*1*) At or before the time of presentation of his nomination paper or papers, each candidate wishing to stand for election shall deposit or cause to be deposited with the Commissioner in cash or in Government Promissory notes of equal value at the market rate of the day, a sum of twenty-five rupees, if he is a member of the Scheduled Castes or a sum of one hundred rupees, if he is not a member of such castes and no candidate shall be deemed to be duly nominated for any division in respect of which such deposit has not been made. A separate deposit shall be required in respect of each division for which the candidate wishes to stand.

Explanation.—The delivery to the Commissioner of a receipt from the Government Treasury or Bank wherein the Council has an account, evidencing the payment by or on behalf of a candidate to the credit of the Corporation of Bangalore of the amount required to be deposited under this sub-rule shall be deemed to be a deposit of such amount within the meaning of this sub-rule made by or on behalf of such candidate at the time of such delivery.

(2) If no nomination paper is received within the time appointed in that behalf in respect of any person by whom or on whose behalf, the deposit referred to in sub-rule (1) has been made, or if the nomination or any such person is rejected, or if he withdraws his candidature in the manner and within the time specified in rule 8 (1) the deposit shall be returned to the person by whom it was made; and if any candidate dies before the commencement of the poll, any such deposit, if made by him, shall be returned to his legal representatives or if not made by the candidate, shall be returned to the person by whom it was made.

(3) If any candidate by whom or on whose behalf, the deposit referred to in sub-rule (1) has been made withdraws his candidature under rule 8 (2) or if he is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled, divided by the number of members to be elected, the deposit shall be forfeited to the Corporation of Bangalore.

(4) For the purpose of sub-rule (3), the number of votes polled shall be deemed to be the number of ballot papers, other than spoilt ballot papers, counted.

(5) The deposit made in respect of a candidate who is not elected shall, if it is not forfeited under sub-rule (3), be returned to the candidate or to the person who has made the deposit on his behalf as the case may be, as soon as may be, after the publication of the result of the election in the Official Gazette; and the deposit made in respect of a candidate who is elected shall be so returned as soon as may be after the candidate has taken his seat in the Council or in pursuance of a direction by the Government for the return of the deposit despite the fact that the seat has been so taken by the candidate.

(6) Notwithstanding anything contained in sub-rules (2) and (5) where deposits have been made by or on behalf of a candidate in respect of two or more divisions, not more than one of the deposits shall be returned and the remainder shall be forfeited to the Corporation of Bangalore.

(7) A deposit required to be returned to any person under sub-rule (2) or sub-rule (5), shall, if such person is dead, be returned to his legal representative.

(8) Notwithstanding anything contained in this rule, a deposit made under sub-rule (1) shall not be returned, unless a claim therefor is delivered or sent by post to the Commissioner by the person who made the deposit or by his legal representative, as the case may be, within six months of the date of the declaration by the Commissioner of the results of the election or where such declaration is made on two different dates, within six months of the later of such dates.

5. The Commissioner or other authorised person referred to in sub-rule (4) of rule 2, shall at least fifteen days before the date fixed for the election, publish in the Municipal Office and in three conspicuous places in the division for which an election is to be held and by an advertisement in two or more of the local daily newspapers, a list in Form II of all nominations received, with a notice that the nomination papers will be taken up by the Commissioner for scrutiny at the Corporation Office or other specified place on the dates appointed under rule 1.

SCRUTINY OF NOMINATION PAPERS.

6. (1) The Commissioner shall attend to the Corporation Office on two consecutive working days next after the last day upon which the list of candidates nominated has been published, in order to scrutinise the nomination papers and to hear any objections which may be made to any nomination. Such objections may relate not only to the form of nomination but also to violation and non-observance of all or any of the provisions of the Act or rules thereunder relating to such nomination and may include objections concerning the eligibility of the candidates to stand for elections or of the nominators to nominate. Any elector of the division may file a written statement raising any such objection. The Commissioner may either on such objection or on his own motion, after such summary enquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds :—

(i) That the candidate is ineligible for election under the law for the time being in force.

(ii) That the proposer or seconder is a person whose name is not registered on the electoral roll.

(*iii*) That there has been any failure on the part of the candidate or his proposer or seconder to comply with the provisions of rule 2 or rule 4.

(*iv*) That in case, the election is solely for a seat reserved for any community or person, the candidate does not belong to that community or is not a woman, as the case may be.

Provided that the nomination of a candidate shall not be rejected merely on the ground of an incorrect description of his name or of the name of his proposer or seconder or of any other particulars relating to the candidate or his proposer or seconder as entered in the electoral roll, if the identity of the candidate, proposer or seconder, as the case may be, is established beyond reasonable doubt.

(*2*) The Commissioner shall endorse on each nomination paper, his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection. The scrutiny shall be completed on or before the last of the days notified in this behalf under rule 1 and no adjournment of the proceedings shall be allowed.

(*3*) The decision of the Commissioner on any such objection as aforesaid shall be final for the purposes of the election, unless within one week of the date on which the decision has been given, a petition for the revision of the decision be filed before the District Judge, Bangalore Division; in such a case, the decision of the said Judge, shall, subject to the provisions of sub-rule (4), be final. In case the objection is allowed, the decision of the Commissioner or the said District Judge or of the High Court as the case may be, shall be communicated to all the candidates affected thereby.

(*4*) An appeal shall lie to the High Court from the decision of the District Judge under sub-rule (*3*), if the said District Judge certifies that the appeal involves a point of law.

7. (*1*) In case a revision petition has been filed under rule 6 and the decision of the said District Judge has for any reason not been given more than three days before the date fixed for the election under rule 1, the Commissioner shall stop further proceedings in regard to the holding of the election and shall report the matter to

the Government, who shall fix, by notification in the Official Gazette, a fresh date for the election in respect of which such nomination was made, and copies of such notification shall be posted in not less than three conspicuous places in the division. The procedure prescribed by rules 2 to 6 shall, whatever be the decision of the Commissioner or the District Judge or the High Court, be repeated for such fresh election, unless the Government shall, by a special order, otherwise direct.

(2) The Government may fix a fresh date for the election not only in the contingency referred to in sub-rule (1) but whenever they deem fit to do so and they may exercise this power not only once but as often as may be necessary.

8. (1) Any candidate may withdraw his candidature by notice in writing signed by him and delivered to the Commissioner at any time after the presentation of his nomination paper or papers and not later than 3 o'clock in the afternoon of the day succeeding the last of the days appointed for the scrutiny of nominations. Unless the notice is delivered by the candidate himself to the Commissioner, the candidate's signature on the notice shall be attested by a person empowered to attest vakalats.

(2) In cases where a poll is found to be necessary, a candidate may also withdraw his candidature by notice in writing signed by the candidate and delivered by him personally to the Commissioner after the latest hour for withdrawal referred to in sub-rule (1) but at least seven clear dates before the date appointed for the poll.

A withdrawal under this sub-rule may be made not later than 5 o'clock in the afternoon of the last day for such withdrawal.

Explanation.—Withdrawal under this sub-rule shall entail forfeiture of the deposit made by or on behalf of the candidate.

(3) The Commissioner on receiving a notice of withdrawal under sub-rule (1) or sub-rule (2) shall, as soon as may be, cause a notice of the withdrawal to be published on the notice board of the Corporation Office; and where the withdrawal, to all other candidates of the division who have not withdrawn their candidatures.

(4) A candidate who has withdrawn his candidature under sub-rule (1) or sub-rule (2) shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election.

9. The following provisions shall apply in respect of candidates whose nominations have not been rejected and who have not withdrawn their candidature :—

Case I.—Where the election is held for filling up only a general seat or a reserved seat in a division—

(*a*) if there is only one candidate, the Commissioner shall declare such candidate to be duly elected to such general or reserved seat ;

(*b*) if there are two or more candidates, the Commissioner shall arrange for a poll to be taken ; and

(*c*) if there is no candidate, the seat shall be filled up in accordance with the provisions of section 62 of the Act.

Case II.—Where the election is held for filling up both the general and reserved seats in a division—

(*a*) if there is only one candidate, and

(*i*) if such candidate is eligible for the reserved seat, the Commissioner shall declare him duly elected to the reserved seat ;

(*ii*) such candidate is not so eligible for the reserved seat the Commissioner shall declare him to be duly elected to the general seat ; and

(*iii*) the other seat shall be filled up in accordance with the provisions of Section 62 of the Act ;

(*b*) if there are only two candidates, and—

(*i*) if both of them are eligible for the reserved seat, the Commissioner shall by drawing lots declare one of them to be duly elected to the reserved seat and the other candidate to the general seat ;

(*ii*) if only one of them is eligible for the reserved seat, the Commissioner shall declare such candidate to be duly elected to the reserved seat and the other candidate to the general seat ; and

(*iii*) if neither of them is eligible for the reserved seat, the Commissioner shall arrange for a poll to be taken to fill up the general seat; and the reserved seat shall be filled up in accordance with the provisions of section 62 of the Act; and

(*c*) If there are more than two candidates; and—

(*i*) if two or more of them are eligible for the reserved seat, the Commissioner shall arrange for a poll to be taken to fill up both the seats;

(*ii*) if only one of them is eligible for the reserved seat, the Commissioner shall declare such candidate to be duly elected to the reserved seat, and shall arrange for a poll to be taken to fill up the general seat; and

(*iii*) if no such candidate is eligible for the reserved seat, the Commissioner shall arrange for a poll to be taken to fill up the general seat and the reserved seat shall be filled up in accordance with the provisions of section 62 of the Act.

Explanation.—In this rule, "candidate" means a candidate who has been duly nominated and has not withdrawn his candidature in the manner and within the time specified in sub-rule (2) of rule 8.

A candidate shall be deemed to be eligible to a reserved seat if such candidate belongs to the community or is a woman according as the seat is reserved under Section 48 (2) (*a*) of the Act for that community or for woman.

10. (*1*) If a poll is found to be necessary, the Commissioner shall assign to each candidate subject to such directions as may be issued by the Government in that behalf, one of the following colours, namely, red, green, blue and yellow, or where the number of candidates exceeds four the colours aforesaid and in addition thereto purple and such other distinctive colours (except black) as the Commissioner may determine.

(*2*) Three days before the date fixed for election under rule 1 or rule 7, the Commissioner shall prepare a list in Form III of persons whose nominations have not

been rejected and who have not withdrawn their candidature and publish it on the notice board of the Corporation Office and in two conspicuous places in the division for which the election is to be held and by advertisement in two or more local daily newspapers.

(3) The list shall contain the names of the candidates in the order of the English alphabet and shall describe them as in their nomination papers and, if a poll is found to be necessary, shall also specify the distinctive colours assigned to them under sub-rule (1).

11. If after the scrutiny of nominations has been completed and before the poll is taken, a candidate whose name appears in the list of valid nominations published under rule 10 becomes ineligible for election under clause (f) of sub-section (2) of Section 56 of the Act, the Commissioner shall upon being satisfied as the existence of such ineligibility, reject the nomination of the candidate and the provisions of rule 9 or section 62 of the Act, as the case may be shall apply:

Provided that nothing contained in this rule shall apply, if the candidate has already been declared duly elected under rule 9.

12. If after the taking of a poll has become necessary and before the poll is taken, a candidate who has been duly nominated dies, the Commissioner upon being satisfied of the fact of the death of the candidate countermand the poll; and election proceedings shall be started afresh in all respects as if for a new election.

Provided that no fresh nomination shall be necessary in the case of the candidate or candidates, who stood nominated at the time of the countermanding of the poll.

13. (1) If a poll has to be taken, the Commissioner shall appoint forthwith one or more polling officers for each polling station and such other persons to assist polling officers as he thinks necessary and may pay them reasonable remuneration for their services. The Commissioner shall provide for each polling officer such number of clerks as may be necessary and may also if necessary, appoint one or more identifying officers to assist the polling officer in identifying the electors. Polling officers shall neither be Councillors for the divisions for which the poll is to be taken nor registered electors therein.

(2) The Polling Officer shall keep order at the polling station shall see that the election is fairly conducted and that votes are recorded with absolute secrecy, shall regulate the number of electors to be admitted at one time, and shall exclude all other persons except—

(a) The candidates, and at each booth, one agent of each candidate at a time (hereinafter referred to as the polling agent) appointed in writing by the candidate and approved by the Commissioner or by the person authorised by the Commissioner in this behalf;

(b) The police or other public servants on duty; and

(c) His own clerks and such persons as the polling officer may from time to time admit for the purpose of identifying electors.

(3) Where a woman elector cannot be identified by the identification officers appointed under sub-rule (1) by reason of her observing "*purdah*" she may be required to be identified by any of her near relatives, unless she otherwise satisfies the polling officer of her identity.

If any question arises as to whether a person is or is not a near relative within the meaning of this sub-rule, it shall be decided by the polling officer and his decision shall be final.

14. Each polling station, and at a polling station having more than one polling booth, each such booth shall contain a separate compartment in which electors can record their votes screened from observation except in so far as it may be necessary to ensure that the ballot papers are duly placed in boxes. As far as possible separate compartments and separate entrances and exits shall where action is not taken under rule 15, be provided for women electors.

15. Notwithstanding anything hereinbefore contained the Commissioner may, at his discretion if women in sufficient number suitable and willing to act as polling officers are available, provide a separate polling station for taking the votes of the women electors for any polling area or make such other arrangements as may be necessary to ensure the privacy of such electors. In such cases, only women shall be appointed to act as polling

officers in respect of the votes of the women electors concerned. Except the police or other public servants on duty, no candidate, agent of a candidate or other person who is not a woman shall be admitted into or be present at such polling station or the place where the votes of such women electors are taken, as the case may be.

16. (*1*) The Commissioner shall provide in each polling compartment at each polling station, as many ballot boxes as there are candidates the box of each candidate bearing the serial number and the distinctive colour or colours assigned to him. He shall also provide a sufficient number of envelopes bearing the distinctive colours assigned to the candidates and such other colours as may be necessary to give effect to clause (ii) of sub-rule (2) of rule 29 together with the necessary outer covers, copies of the electoral roll or such part thereof as contains the names of the electors entitled to vote at the station, and such other papers, stationery and forms as may be necessary. He shall further provide a board on which is displayed in bold and clear print the name of each candidate in English and in such other languages current in the division, as the Commissioner may think fit, the serial number and the colour or colours assigned to him and the number of vacancies for which the election is held.

(*2*) Every ballot box shall be so constructed that ballot papers can be introduced therein but cannot be withdrawn therefrom, without the box being unlocked.

17. A notice shall be put up at the entrance to the polling station giving the numbers and names of the candidates as published in Form III. There shall be given against the name of each candidate both a description and a sample of the distinguishing colour directed to be used on the ballot box assigned to the candidate.

18. Each polling officer shall be supplied by the Commissioner with a list of electors for the division for which such polling officer is appointed. The ballot papers and ballot boxes shall be delivered to the polling officer by the Commissioner or other person authorised by him, sufficiently early before the hour fixed for the starting of the poll.

19. (*1*) The polling officer at any polling station, immediately before the commencement of the poll, shall show each of the ballot boxes empty to such persons as may be present at such station, so that they may see that it is empty, and shall then lock it up, and place his seal upon it. He shall thereupon place the box so locked and sealed, inside the polling compartment for the receipt of ballot papers but screened from observation except in so far as it may be necessary to ensure that the ballot papers are duly placed in it.

The ballot boxes shall be arranged from left to right in the place set apart for the purpose and in the order in which the names are published in Form III.

(*2*) Before the polling station is opened for the recording of votes, the polling officer shall read to such persons as may be present the provisions of section 69 of the City of Bangalore Municipal Corporation Act and shall explain the substance thereof in the language of languages current in the division.

20. Ballot papers shall be in Form IV and shall have counterfoils attached to them which shall be in Form IV-A. They shall be serially numbered both in the foil and on the counterfoil. On every ballot paper, such mark as may be directed by the Commissioner shall be stamped across the perforation between the ballot paper and the counterfoil in such a manner that the mark falls partly on the ballot paper and partly on the counterfoil.

Where the poll is taken for two seats, every one of the serial numbers, shall be printed on two consecutive ballot papers, the first of such ballot papers shall bear the number alone and the remaining ballot paper shall bear the number with a capital letter of the English alphabet added after it in order.

Illustration.—If there are two seats for which a poll is taken the serial numbering shall be 1 and 1-A; 2 and 2-A; 3 and 3-A; and so on.

21. (*1*) At an election for a division in which not more than one seat has to be filled, an elector shall be given only one ballot paper which shall be placed in the ballot box bearing the serial number and the colour assigned to the candidate for whom he desires to vote.

(2) At an election for a division in which two seats have to be filled, the elector shall be given two ballot papers and the polling officer shall explain to the elector—

(*i*) the number of candidates for whom he may vote;

(*ii*) that he may place one ballot paper in the ballot box of each of the candidates for whom he wishes to vote;

(*iii*) that he should not place both the ballot papers in the same ballot box; and

(*iv*) that where elector wishes to vote for only one candidate and does not wish to exercise his second vote, he shall return the surplus ballot paper to the polling officer.

(3) The surplus ballot paper referred to in clause (iv) of sub-rule (2), together with the corresponding counterfoil, shall be marked as cancelled.

(4) Immediately before any ballot paper or papers are delivered to an elector, the number, name and description of the elector as stated in the electoral roll, shall be called out. He shall then detach the ballot paper or papers from the counterfoil and deliver it to the elector and shall place a mark on a copy of the electoral roll against the number of the elector to denote that he has received the ballot paper or papers but with no indication of the particular ballot paper or papers which he has received.

22. The elector on receiving the ballot paper or papers shall forthwith proceed into the polling compartment and there place the ballot paper or papers in the ballot box or boxes, according to his choice. Every elector shall vote without undue delay and shall quit the polling station as soon as he has voted. He shall not place anything except a ballot paper in any box. Anything other than ballot papers found in any box shall be forfeited to the Corporation.

23. (*1*) If the polling officer is satisfied that an elector is incapacitated by blindness from voting in the manner prescribed in rule 22, the polling officer shall

ascertain from the elector for which candidate or candidates he wishes to vote and shall, in the presence of any candidates or polling agents who may be present, place the ballot paper or papers in the box or each of the boxes, bearing the serial number or numbers and the colour or colours, assigned to the candidate or each of the candidates for whom he wishes to vote. Where the elector wishes to vote for only one candidate, and does not wish to exercise his second vote, the surplus ballot paper together with its corresponding counterfoils shall be marked as "cancelled."

(2) In the case of every elector whose ballot paper or papers are dealt with in the manner laid down in sub-rule (1), a note shall be made on the counterfoil by the polling officer, of the reason why the paper or papers were so dealt with.

24. Special facilities in accordance with the instructions, if any, issued by the Commissioner in that behalf, may be accorded to women electors.

25. When a person presents himself to vote and at any time before a ballot paper is supplied to him, the polling officer may of his own accord and shall, if so required by a candidate or polling agent, put to such person either or both of the following questions:—

(*i*) Are you the person enrolled as follows (reading the whole entry from roll).

(*ii*) Have you already voted at the present election in this polling station or in any other polling station.

And the person shall not be supplied with a ballot paper, unless he gives an unqualified answer to the question or questions, put to him and unless his answer to the first question is in the affirmative and the second in the negative. Except as mentioned herein, and subject to the provisions of Section 54 of the Act, every person whose name is found on the electoral roll shall be entitled to be supplied with a ballot paper.

26. If a person representing himself to be a particular elector named on the electoral roll applies for a ballot paper after another peron has voted as such elector, the applicant shall after duly answering such questions as the

polling officer may ask, be entitled to receive a ballot paper or ballot papers in the same manner as any other elector.

The polling officer shall write the word "Tendered" in bold characters on the face of the ballot paper or each of the ballot papers before it is handed over to such person. On receipt of such ballot paper or papers (hereinafter referred to as tendered ballot papers) the elector shall proceed into the polling compartment and there place the ballot paper or each of the ballot papers in an envelope bearing the colour assigned to the candidate or each of the candidates for whom the applicant wishes to vote. He shall then stick the envelope or envelopes and enclose the name in a cover and hand it over to the polling officer. The polling officer shall make an endorsement containing the name of the elector and his number on the electoral roll and the number of the division for which the election is held and shall set aside the cover in a separate packet, the ballot papers in which shall not be counted by the Commissioner. The name of the elector and his number in the electoral roll and the name or distinctive number of the polling station to which the roll relates shall be entered in a list in Form V which shall bear the heading "Tendered votes list." The person tendering such ballot paper or papers shall sign his name and address on that list or affix his thumb-impression thereto.

Explanation.—In cases falling under this rule to which rule 27 is also applicable, the provisions of this rule as well as of rule 27 shall be followed.

27. (*1*) If any candidate or polling agent declares and undertakes to prove that any person by applying for a ballot paper has committed the offence of personation, the polling officer shall call upon the candidate or agent bringing forward the charge of personation to deposit with him a sum of five rupees in cash. A separate deposit shall be required for proceeding with each charge of personation. If such deposit is not made, the polling officer shall ignore the challenge.

(*2*) Immediately the deposit required by sub-rule (1) has been made, the polling officer shall obtain a written statement in Form VI which shall be signed by the candidate or agent, as the case may be, and attested by

two creditable witnesses, in the presence of the polling officer.

(3) The polling officer shall then require the applicant for the ballot paper to enter in the list of challenged votes (which shall be in Form VII) his name and address or, if he is unable to write, to affix, his thumb-impression thereto and may further require such person to produce evidence of identification.

(4) If the applicant for the ballot paper on being questioned in the manner provided in rule 25 gives unqualified answers to the first question in the affirmative and to the second in the negative, he shall be allowed to vote after he has been informed of the penalty for personation. The polling officer shall make a note of the circumstances and of his decision on the list of challenged votes.

(5) The polling officer shall, at the close of the poll forward to the Commissioner the statements mentioned in sub-rule (2) enclosed in the packet containing the list of challenged votes.

(6) The Commissioner shall immediately institute such inquiries as may be necessary and shall take steps to prosecute the persons whom he believes to be guilty of the offence of personation after obtaining the previous sanction, required by section 196 of the Code of Criminal Procedure, 1895, such sanction being obtained from the Commissioner of Police. If it is found as a result of the judicial trial that the offence of personation has not been proved, the Commissioner of the Corporation shall decide whether the whole or part of the deposit shall be declared forfeited to the Corporation. In coming to a decision on this point, the Commissioner shall be guided by the facts and conclusions recorded at the trial. If there is no judicial trial, the Commissioner shall, in his discretion, decide whether having regard to the relevant circumstances, the whole or part of the deposit shall be declared forfeited to the Corporation. The deposit or such portion thereof as has not been declared forfeited, shall be returned to the person who made the deposit.

(7) A challenge once made shall not be permitted to be withdrawn except with the forfeiture of the deposit and except after the election under the orders of the Commissioner.

28. An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering it to the polling officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt one, the latter one together with its counterfoil being marked as cancelled. Where such an elector has originally received more than one ballot paper he shall not be given fresh ballot paper, unless he delivers to the polling officer all the ballot papers he had originally received which shall, together with their counterfoils, be marked as "cancelled."

29. (*1*) A public servant or polling agent who being entitled to vote in the division is duly appointed or authorised for duty at a polling station at which he is not ordinarily entitled to record his vote at the polling station where he is employed. The said certificate shall be in Form VIII.

If a polling officer, public servant or polling agent is on duty at a polling station not relating to the division in which he is entitled to record his vote, the Commissioner shall in addition to the certificate mentioned above, furnish the polling officer concerned with particulars regarding the number of votes which an elector is entitled to give and the names of and serial numbers and colours assigned to the candidate standing for election in that division together with a ballot paper or ballot papers relating to such division and envelope in each of the colours assigned to such candidates.

The Commissioner shall in either case, immediately send a copy of the certificate to the polling officer of the polling station at which the person to whom the certificate is issued is ordinarily entitled to record his vote.

(*2*) A person in possession of a certificate in the form prescribed in sub-rule (1) shall deliver the certificate to the polling officer of the station where he is on duty who shall thereupon issue to the person, ballot papers in the same manner as to any other elector. Such ballot papers shall be dealt with in the following manner:—

(*i*) If the polling station at which the person is on duty relates to the division in which he is entitled to vote, then the provisions contained

in rules 21 and 22 shall apply. The polling officer shall at the end of the poll send the certificate to the Commissioner along with the statement mentioned in rule 32.

(*ii*) If the polling station at which the person is on duty be not in the division in which he is entitled to vote, the polling officer shall issue the ballot paper or if there are two seats, two ballot papers with instructions similar to those contained in sub-rule (2) of Rule 21. The person shall proceed into the polling compartment and place the ballot paper or each of the ballot papers in an envelope bearing the colour assigned to the candidature or each of the candidates for whom he wishes to vote. He shall then stick the envelope or envelopes and enclose the same in a cover and hand over the cover to the polling officer. The polling officer shall make up into separate packets for each division the covers in which votes have been so recorded the connected certificates being fastened to the cover, seal up such packet in the manner specified in rule 31 and forward the same to the Commissioner.

30. (*1*) Where the proceedings at any polling station are seriously interrupted or obstructed by any riot or open violence or otherwise or where a large number of electors are unable to attend the poll at the polling station by reason of any act of God such as flood or fire, the polling officer shall stop the poll, pending the receipt of the orders of the Commissioner. The fact that the poll has been so stopped shall be immediately announced by the polling officer to the persons present at the polling station.

(*2*) Where a polling officer stops a poll under sub-rule (1) he shall observe the procedure laid down in rules 31 and 32, and forthwith make a full report of the circumstances to the Commissioner.

(*3*) The Commissioner shall thereupon order :—

(*a*) That the poll be continued at the polling station for the number of hours for which it was not held on the previous occasion, or

(*b*) that the proceedings at the poll held at the polling station on the previous occasion be ignored and that a fresh poll be held at such polling station for the full number of hours for which it should have been held on the previous occasion.

Any order passed by the Commissioner under this sub-rule shall be final.

(*4*) Any order passed under sub-rule (3) shall—

(*a*) state.—

(*i*) the date on which, and the hours between which the continuation poll or the fresh poll, as the case may be shall be held; and

(*ii*) the date on which and the place and hour at which the Commissioner will commence the counting of the votes under rule 33: and

(*b*) be published in the manner laid down in sub-rule (2) of rule 1 not less than seven days before the date fixed for the continuation poller for the fresh poll as the case may be.

5. (*a*) Where an order is passed under clause (*a*) of sub-rule (3) for the continuation of the poll, the Commissioner shall proceed afresh under sub-rule (1) of rule 13 and return to the polling officer appointed under that sub-rule, all the packets received by him under sub-rule (2) of this rule.

(*b*) The polling officer shall open the packets just before the commencement of the continuation poll in the presence of such persons as may be present at the polling station and commence such poll precisely at the hour fixed therefor in the order passed by the Commissioner under clause (*a*) of sub-rule (3).

(*c*) At the continuation poll, the polling officer shall allow only such elector to vote as did not vote on the previous occasion.

(*6*) Where an order is passed under clause (*b*) of sub-rule (3) for holding a fresh poll, the Commissioner shall proceed afresh under sub-rule (1) of Rule 13 and fresh poll shall be held at the polling station concerned in accordance with the provisions of these rules in all respects.

as if it were being held at such polling station for the first time.

Explanation:—There shall be no fresh nominations in cases under this sub-rule.

(7) Notwithstanding anything contained in this rule, if a candidate dies at any time before the orders are passed by the Commissioner under sub-rule (3) or at any time after the passing of such orders but before the commencement of the continuation poll or of the fresh poll, as the case may be, the Commissioner shall, upon being satisfied of the fact of the death of the candidate, stop all further proceedings in connection with the election, and start election proceedings afresh in all respects as if for a new election by the division concerned:

Provided that no fresh nomination shall be necessary in the case of the remaining candidates who stood nominated at the time when the poll was stopped.

31. (1) The Polling Officer shall close the polling station at the hour appointed for closing under Rule 1 or sub-rule (4) of rule 30 as the case may be so as to prevent the admission thereto of any elector after that hour and no ballot paper shall be issued thereafter.

(2) The Polling Officer of each polling station, as soon as practicable after the close of the poll, shall in the presence of any candidate or polling agent who may be present make up into separate packets and seal with his own seal and seals of such candidates or agents as may decide to affix their seals:—

(i) each ballot box in use at such station unopened but with the key (which should also be sealed in the same manner as the ballot box), attached.

(ii) the tendered ballot papers,

(iii) the unused ballot papers,

(iv) the spoilt ballot papers,

(v) the marked copy of the elected roll,

(vi) the counterfoils of the ballot papers,

(vii) the tendered voters lists,

(viii) The list of challenged votes with the statement or statements mentioned in sub-rules (2) and (5) of Rule 27, and

(*ix*) the covers referred to in clause (*ii*) of sub-rule (2) of Rule 29 and shall forward such packets to the Commissioner.

(*3*) Each packet shall be numbered and shall bear a note as to its contents, the name of the polling station and the number of the division. Where no vote has been recorded at any polling station, the Polling Officer shall submit a nil report together with the statement in Form IX referred to in rule 32.

32. The Packets shall be accompanied by a statement, in a separate cover, in Form IX made by the Polling Officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot boxes, unused, spoilt and tendered ballot papers.

33. (*1*) The counting of votes shall commence on the day and at the place and hour appointed in that behalf. Votes shall be counted by or under the supervision of the Commissioner, and each candidate, the election agent of each candidate, and on representative of each candidate authorised in writing by the candidate shall have a right to be present at the time of counting. No other person shall be allowed to be present except such persons as the Commissioner may appoint to assist him in counting votes and no person shall be appointed to assist in counting the votes, who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

(*2*) The Commissioner shall, before he commence to count the votes, read the provisions of section 69 of the City of Bangalore Municipal Corporation Act, 1949, to such persons as may be present, and shall then proceed as follows :—

(*a*) The ballot box or boxes relating to all polling stations in the division bearing the same serial number and colour and all envelopes of the same colour as those boxes, enclosed in the covers which may have been received under rule 29 shall be opened one after another. The ballot papers shall be taken out therefrom, and counted and the total number of votes secured by the candidate concerned recorded in a statement. He shall then proceed similarly with the boxes and envelopes of

each colour which may have been prescribed in the division.

(*b*) The Commissioner shall allow the candidates and their agents reasonable opportunities to inspect, without handling, all ballot papers which in his opinion are liable to be rejected. We shall endorse on every ballot paper which is rejected the word 'rejected'. If any candidate or agent present questions the correctness of the rejections, he shall also record on the ballot papers the grounds for the rejection.

(*c*) The Commissioner shall, as far as practicable, proceed continuously with the counting of the votes; and shall, during any necessary invervals during which the counting has to be suspended place the ballot papers, packets and other documents relating to the election under his own seal and the seals of such candidates or agents as may desire to affix them and shall cause adequate precautions to be taken for their custody.

34. (1) A ballot paper shall be rejected if it—

(*a*) bears any mark by which the elector can be identified; or

(*b*) does not bear the official stamp prescribed in rule 20; or

(*c*) bears the mark belonging to a division different from that of the ballot box in which it is found;

Provided that a ballot paper dealt with under clause (ii) sub-rule (2) of rule 29 shall not be rejected merely on the ground that it bears the mark of a division different from the one in which the elector is entitled to vote:

Provided further that a ballot paper shall not be rejected under clause (*b*) if the Commissioner is satisfied beyond reasonable doubt that the ballot paper was one issued by the polling officer.

(*2*) If two ballot papers bearing the same serial number found in a ballot box, they shall count only as one vote in favour of the candidate to whom that box is assigned.

(*3*) Except on the ground mentioned, in sub-rules (1) and (2), no ballot paper shall be rejected.

(*4*) The decision of the Commissioner as to the validity of a ballot paper shall be final, subject only to reversal on an election petition.

35. (1) After the Commissioner has completed the scrutiny and counting of votes he shall prepare a statement of the results of the polling in Form X and shall subject to the provisions of rule 39, declare that the candidate or candidates to whom most valid votes have been given, has or have been duly elected :

Provided that if a seat is reserved for any community or for women, the Commissioner shall first declare the candidate belonging to that community or who is a woman, as the case may be, to whom the largest number of votes have been given to be elected to such reserved seat.

(2) Any candidate or his agent shall, on application, be permitted to take a copy of an extract from the statement in Form X.

36. (1) The Commissioner shall not open the sealed packets containing tendered ballot papers, the marked copy of the electoral roll or the counterfoils of the ballot papers. He shall verify the statement submitted by the Polling Officer under rule 32 by comparing it with the number of accepted ballot papers and of rejected ballot papers and the unused ballot papers in his possession.

(2) The Commissioner shall then make up into separate bundles in respect of each candidate :

(i) such of the ballot papers as have been accepted as valid ; and

(ii) the remaining ballot papers which have been rejected as invalid.

He shall then make up both the bundles into one packet and seal the packet with his own seal. He shall also enclose and re-seal each of the other packets which were opened by him and record on each such packet a description of its contents.

Disposal of Ballot Papers.

37. (1) The Commissioner shall, after declaring the results, retain in his custody, the packets of ballot papers, whether counted, rejected or tendered, and of the counter-

foils thereof. These packets shall not be opened and their contents shall not be inspected or produced except under the orders of an election or other competent court.

(2) The Commissioner shall retain the packets and the marked copies of the electoral roll for a year and shall then, unless otherwise directed by the orders of an election or other competent court, cause them to be destroyed.

38. The name or names of the candidate or candidates duly elected shall be forwarded without delay by the Commissioner to the Superintendent, Government Press, for publication in the official Gazette and also be published on the notice board of the Municipal Office.

39. (1) If any question arises as to the interpretation of these rules otherwise than in connection with an inquiry held under the rules for the decision of disputes as to the validity of an election, the question shall be referred to the Government whose decision shall be final.

(2) Pending the decision of the Government on any such reference made to them or the issue of final orders on any inquiry which the Government may institute upon receipt of information that an election is being or about to be hold in contravention of the rules, it shall be lawful for the Government to direct the stay of the election proceeding at any stage thereof prior to the declaration of the results. Any election held or continued in contravention of the orders of the Government under this rule shall be void and of no effect whatsoever.

(3) Unless it is otherwise ordered by the Government, election proceedings stayed under this rule shall, on cancellation of the stay order, proceed from the stage at which they were stayed on fresh dates to be fixed.

(4) If any difficulty arises as to the holding of any election under these rules, the Government may, by order, do anything not inconsistent with these rules which appears to them necessary for the proper holding of the election. Every order passed under this sub-rule shall be laid before each of the chambers of the provincial Legislature at its next meeting.

Elections for Labour Seats.

40. Rules 1 to 39 shall apply *mutatis mutandis* to the conduct of elections to fill the seats specially reserved for labour as if the words 'Labour Electorate' were substituted for the word 'division' wherever it occurs in the said rules;

Provided that the amount of the deposit to be made by candidates not belonging to scheduled castes, shall be fifty rupees only.

Rules applicable to elections to both the Divisional and Labour Seats.

41. Notwithstanding anything contained in the foregoing rules, the Government may, for special reasons, empower the Commissioner to fix dates and periods other than those specified or fixed by or under these rules, for all or any of the stages of the election proceedings connected therewith.

42. In these rules unless there is anything repugnant to the subject or context:—

(*a*) "the Act" means the City of Bangalore Municipal Corporation Act, 1949.

(*b*) "Commissioner" means the Commissioner of the Corporation of Bangalore.

(*c*) "Government" means the Government of Mysore.

A. C. NIRVANI GOWDA,
Secretary to Government,
General Department.

FORM I.

(See Rule 2 (1).)

CORPORATION OF BANGALORE.

NOMINATION PAPER.

1. Name and number of the — Division / Labour Electorate.
2. Full name of candidate.
3. Number of candidate in the electoral roll.
4. Father's or Husband's name.
5. Age.
6. Sex.
7. Community.
8. Occupation and address.
9. Full name of proposer.
10. Number of proposer in the electoral roll.
11. Signature of the proposer.
12. Full name of the seconder.
13. Number of the seconder in the electoral roll.
14. Signature of the seconder.

Candidate's Declaration.

I declare that I am willing to stand for election.

Signature of the candidate.

Endorsement by the Commissioner or other authorised person.

Serial No.

This nomination paper was presented to me by (person) at (date and hour)

Signature of the Commissioner or other authorised person.

Instruction.

Nomination papers which are not presented to the Commissioner or other authorised person before (hour) on the day of 1950, shall not be received.

FORM II.

(*See Rule* 5.)

CORPORATION OF BANGALORE.

List of nomination received on (date) for Division

Labour Electorate.

1. Serial Number
2. Name of candidate.
3. Father's or Husband's name.
4. Community.
5. Occupation and address.

NOTE.—The nomination papers will be taken up for scrutiny at A.M./P.M. on the day of at (place)

Commissioner or
other authorised person.

**Instruction.*—Letter and brackets (S) shall be added after the name if the candidate is a women.

FORM III.

(*See Rule 10 (2).*)

LIST OF VALID NOMINATIONS.

Corporation of Bangalore Division
Labour Electorate.

Sl. No.	Names of candidates	Sex of candidates	Communities to which the candidate belong	Address of the candidate	Distinctive colours assigned to candidates
1	2	3	4	5	6

NOTE.—The poll will be taken and at the Polling Stations between already notified.

Commissioner.

FORM IV.

(*See Rule 20*).

Corporation of Bangalore—— Division.
Labour Electorate.

Serial.
Number.

FORM IVA.

(*See Rule (20*).

Corporation of Bangalore—— Division.
Labour Electora te.

Serial.
Number.

FORM V.

(*See Rule 26*).

Tendered Voters List.

Corporation of Bangalore.
Division.
Labour Electorate.

Name and Number.	Division —— Labour Electorate.	Name of elector.	Number in electoral roll	Signature of elector or impression of elector if illiterate and address.
1	2	3	4	5

FORM VI.

(See Rule 27).

CORPORATION OF BANGALORE.

Declaration of personation.

I (name) hereby declare and undertake to prove that the person described below has, by applying for a ballot paper at this polling station, committed the offence of personation.

Description of the person.

Name	Address	Signature or thumb impression.

Signature of candidate or agent.

Witnesses :—

1. (Name and address).
2. (Name and address).

(Before me)
Signature of the polling officer

Division.

Labour Electorate

Corporation of Bangalore.

FORM VII.

(See Rule 27).

LIST OF CHALLENGED VOTES.

Division.

Corporation of Bangalore.

Labour Electorate.

Name of polling station.

Signature sheet No.

1	2	3	4
Number of elector on the elector roll.	Name of elector	Signature of elector if literate or thumb impression of elector if illiterate.	Signature and address of identifier if any.

Orders of the polling officer (in each case)

Signature of the Polling Officer.

FORM VIII.

(See rule 29).

CORPORATION OF BANGALORE.

Form of certificate entitling a person to vote outside polling area :—

Certified that.....entitled to vote at.....for..... Division / Labour Electorate has been employed in connection with the election for Division / Labour Electorate and is prevented from voting at the said station and that I have therefore authorised him to vote at.....

Station.....

Date..... Signature of the Commissioner.

FORM IX.

(See rule 32).

Statement of polling Officer at..... in the Division / Labour electorate Corporation of Bangalore after the polling on 195 .

Division / Labour Electorate

Description.	Number received	Number of ballot paper in boxes.	Number of ballot paper in packets Rule 29 (2) (ii)	Number of tendered ballot papers rule 26.	Number unused.	Number spoilt.	Ballot papers dealt with under Rule 29 (2) (i) included under column (3).	Remarks.
1	2	3	4	5	6	7	8	9
Ballot papers.								

FORM X.

(See rule 35).

Return showing results of the election for seats reserved for $\frac{\text{Division}}{\text{Labour Electorate}}$ of the Corporation of Bangalore.

Number..... Name of candidate.....Number of valid votes

Total number of valid votes ;

Total number of invalid votes :

I do hereby declare that the following $\frac{\text{candidate}}{\text{candidates}}$ $\frac{\text{has}}{\text{have}}$ been duly elected for.....division to the seat reserved for

$\frac{\text{to the seat reserved for*}}{\text{to the general seat*}}$

Commissioner.

*Not to be filled in the case of election to seats reserved for Labour.

.....

General Secretary to Government.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.